

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to provide for pari-mutuel wagering or betting on horse racing in this state; to provide  
3 for the comprehensive regulation of such activities; to provide for legislative intent; to  
4 provide for definitions; to provide for the establishment of the Georgia Racing Commission;  
5 to provide for the membership, terms of office, filling of vacancies, qualifications, duties, and  
6 responsibilities of the members of such commission; to provide for the legal representation  
7 of such commission; to provide for commission staff and employees; to provide for funding;  
8 to provide for certain background investigations; to establish and provide for the Georgia  
9 Breeders Funds; to provide for certain appeals and injunctions; to provide for certain licenses  
10 and permits; to provide for local referendums on the establishment of pari-mutuel wagering  
11 or betting facilities within a county or municipality; to provide for certain taxes, retainage,  
12 and distributions of portions of the pari-mutuel pools; to provide for audits; to enter into the  
13 Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering;  
14 to provide for the appointment of members of the compact committee; to prohibit certain  
15 conduct and provide for penalties; to provide for related matters; to provide for a contingent  
16 effective date and repeal under certain circumstances; to repeal conflicting laws; and for  
17 other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
21 by adding a new chapter to read as follows:

"CHAPTER 39

ARTICLE 1

50-39-1.

(a) Horse racing with pari-mutuel wagering as licensed in this chapter shall be permitted in the State of Georgia for the promotion, sustenance, and growth of the equine industry, in a manner consistent with the health, safety, and welfare of the people. The Georgia Racing Commission is vested with control of all horse racing with pari-mutuel wagering in the State of Georgia, with plenary power to prescribe regulations and conditions under which such racing and wagering shall be conducted, so as to maintain horse racing in this state of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled practices and to maintain in such racing complete honesty and integrity. The Georgia Racing Commission shall encourage participation by local individuals and businesses in those activities associated with horse racing.

(b) The conduct of any horse racing with pari-mutuel wagering participation in such racing or wagering and entrance to any place where such racing or wagering is conducted is a privilege which may be granted or denied by the commission or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter.

(c) The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility licensed by the commission shall not be deemed to be a violation of Article 2 of Chapter 12 of Title 16.

50-39-2.

Unless another meaning is required by the context, as used in this chapter, the term:

(1) 'Advance deposit account wagering' means a method of pari-mutuel wagering conducted in this state that is permissible under the federal Interstate Horseracing Act of 1978, 15 U.S.C. Section 3001, et seq., and in which an individual may establish an account with an entity, licensed by the commission, to place pari-mutuel wagers in person or electronically.

(2) 'Breakage' means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of \$0.10.

(3) 'Commission' means the Georgia Racing Commission.

(4) 'Dependent' means a son, daughter, father, mother, brother, sister, or other person, whether or not related by blood or marriage, if such person receives from an officer or employee more than one-half of his or her financial support.

(5) 'Drug' means:

(A) Articles or substances recognized in the official United States Pharmacopoeia, official National Formulary, or official Homeopathic Pharmacopoeia of the United States or any supplement to any of them;

(B) Articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(C) Articles or substances, other than food, intended to affect the structure or any function of the body of humans or animals; or

(D) Articles or substances intended for use as a component of any article or substance specified in subparagraph (A), (B), or (C) of this paragraph.

Such term shall not include devices or their components, parts, or accessories. The commission shall by regulation define and designate those drugs the use of which is prohibited or restricted.

(6) 'Enclosure' means all areas of the property of a track to which admission is ordinarily obtained only by payment of an admission fee or upon presentation of authorized credentials and any additional areas designated by the commission.

(7) 'Georgia Breeders Funds' means the fund or funds established to foster the industry of breeding racehorses in the State of Georgia.

(8) 'Handle' means the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

(9) 'Horse racing' or 'horse race' means a competition on a set course involving a race between horses on which pari-mutuel wagering is permitted.

(10) 'Horseman' means any person who owns a 10 percent or greater interest in a racehorse and is actively engaged in horse racing.

(11) 'Immediate family' means a spouse and any other person residing in the same household as an officer or employee, who is a dependent of such officer or employee, or of whom such officer or employee is a dependent.

(12) 'Licensee' includes any person holding an owner's, operator's, or limited license under Code Sections 50-39-13 through 50-39-25. The licensee under a limited license shall not be deemed an owner for the purposes of owning or operating a satellite facility.

(13) 'Member' includes any person designated a member of a nonstock corporation and any person who by means of a pecuniary or other interest in such corporation exercises the power of a member.

(14) 'Pari-mutuel wagering' means the system of wagering on horse races in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by an unlimited licensee, less deductions required or permitted by law and includes pari-mutuel wagering on

simulcast horse racing originating within the State of Georgia or from any other jurisdiction.

(15) 'Participant' means any person who:

(A) Has an ownership interest in any horse entered to race in this state or who acts as the trainer, jockey, or driver of any horse entered to race in this state; or

(B) Takes part in any horse racing subject to the jurisdiction of the commission or in the conduct of a race meeting or pari-mutuel wagering thereon, including, but not limited to, a horse owner, trainer, jockey, driver, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track employee, or any other position the commission deems necessary to regulate and ensure the integrity of horse racing in Georgia.

(16) 'Permit holder' includes any person holding a permit to participate in any horse racing subject to the jurisdiction of the commission or in the conduct of a race meeting or pari-mutuel wagering thereon as provided in Code Section 50-39-26.

(17) 'Person' means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

(18) 'Pool' means the amount wagered during a race meeting or during a specified period thereof.

(19) 'Principal stockholder' means any person who individually or in concert with his or her spouse and immediate family members beneficially owns or controls, directly or indirectly, 5 percent or more of the stock of any person which is a licensee or who in concert with his or her spouse and immediate family members has the power to vote or cause the vote of 5 percent or more of any such stock. However, such term shall not include a broker-dealer registered under the federal Securities Exchange Act of 1934, as amended, which holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the commission.

(20) 'Race meeting' means the whole consecutive period of time during which horse racing with pari-mutuel wagering is conducted by a licensee.

(21) 'Racetrack' or 'track' means an outdoor course located in the State of Georgia which is laid out for horse racing and is licensed by the commission.

(22) 'Retainage' means the total amount deducted from the pari-mutuel wagering pool for a license fee to the commission and other jurisdictions, the unlimited license, purse money for the participants, the Georgia Breeders Funds, and certain enumerated organizations as required or permitted by law, rule or regulation, or contract approved by the commission.

(23) 'Satellite facility' means all areas of the property at which simulcast horse racing is received for the purposes of pari-mutuel wagering and any additional areas designated by the commission.

(24) 'Simulcast horse racing' means the simultaneous transmission of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the State of Georgia or any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other means for the purposes of conducting pari-mutuel wagering.

(25) 'Steward' means a racing official, duly appointed by the commission, with powers and duties prescribed by commission regulations.

(26) 'Stock' includes all classes of stock, partnership interest, membership interest, or similar ownership interest of an applicant or licensee and any debt or other obligation of such person or an affiliated person if the commission finds that the holder of such interest or stock derives therefrom such control of or voice in the operation of the applicant or licensee that he or she should be deemed an owner of stock.

50-39-3.

(a) The Georgia Racing Commission is created. The commission shall consist of seven members appointed by the Governor and confirmed by a majority of those elected to each house of the General Assembly at the next regular session following any such appointment. Each commissioner shall have been a resident of the State of Georgia for a period of at least three years next preceding his or her appointment and his or her continued residency shall be a condition of his or her tenure in office. At least three of the members shall be horsemen. The initial appointments shall be made not later than February 1, 2015, and shall be as follows: one commissioner for a term of one year, one commissioner for a term of two years, one commissioner for a term of three years, two commissioners for a term of four years, and two commissioners for a term of five years. Thereafter, all appointments shall be for terms of five years. Vacancies in the commission shall be filled for the unexpired term in the manner provided for original appointments. Each commissioner shall be eligible for reappointment for a second consecutive term at the discretion of the Governor. Persons who are first appointed to initial terms of less than five years shall thereafter be eligible for reappointment to two consecutive terms of five years each. The commission shall elect its chairperson. No member of the General Assembly while serving as a member shall be eligible for appointment to the commission.

(b) Each member of the commission shall receive the same daily expense allowance as members of the General Assembly as provided in subsection (b) of Code Section 45-7-21

for each day or part thereof spent in the performance of his or her duties and in addition shall be reimbursed for reasonable expenses incurred therein.

(c) The commission shall establish and maintain a general business office within the State of Georgia for the transaction of its business at a place to be determined by the commission. The commission shall meet at such times and places within this state as it shall determine. A majority of the commissioners shall constitute a quorum for the convening of a meeting, but the performance of any duty or the exercise of any power of the commission shall require a majority of the entire commission. The commission shall be authorized to meet by teleconference as provided in Code Section 50-1-5.

(d) The commission shall appoint an executive secretary who shall manage the day-to-day operations of the commission. Such executive secretary shall be selected and hired based solely upon his or her professional qualifications and merits for such position.

50-39-4.

The commission shall be represented in all legal matters by the Attorney General.

50-39-5.

No member or employee of the commission and no spouse or immediate family member of any such member or employee shall have any financial interest, direct or indirect, in any horse racetrack, satellite facility, or operation incident thereto subject to the provisions of this chapter; in any entity which has submitted an application for a license under this chapter; in the operation of any such track or satellite facility within the State of Georgia; or in the operation of any wagering authorized under this chapter. No employee of the commission and no spouse or immediate family member of any such employee shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of the commission or have any pecuniary interest in the purse or prize contested for in any such race. No member of the commission and no spouse or immediate family member of any such member shall make any contribution to a candidate for office or office holders on the local or state level or cause a contribution to be made on his or her behalf.

50-39-6.

The commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of horse racing as set forth in Code Section 50-39-1. Such powers and duties shall include, but shall not be limited to, the following:

(1) The commission is vested with jurisdiction and supervision over all horse racing licensed under the provisions of this chapter, including all persons conducting,

197 participating in, or attending any race meeting. It shall employ such persons to be present  
198 at race meetings as are necessary to ensure that they are conducted with order and the  
199 highest degree of integrity. It may eject or exclude from the enclosure or from any part  
200 thereof any person, whether or not he or she possesses a license or permit, whose conduct  
201 or reputation is such that his or her presence may, in the opinion of the commission,  
202 reflect adversely the honesty and integrity of horse racing or interfere with the orderly  
203 conduct of horse racing;

204 (2) The commission, its representatives, and employees shall visit, investigate, and have  
205 free access to the office, track, facilities, satellite facilities, or other places of business of  
206 any licensee or permit holder and may compel the production of any of the books,  
207 documents, records, or memoranda of any licensee or permit holder for the purpose of  
208 satisfying itself that this chapter and its regulations are complied with strictly. In  
209 addition, the commission may require the production of an annual balance sheet and  
210 operating statement of any person licensed or granted a permit pursuant to the provisions  
211 of this chapter and may require the production of any contract to which such person is or  
212 may be a party;

213 (3) The commission shall promulgate rules and regulations and conditions under which  
214 horse racing with pari-mutuel wagering shall be conducted in the State of Georgia and  
215 all such other regulations it deems necessary and appropriate to effect the purposes of this  
216 chapter, including a requirement that licensees post, in a conspicuous place in every place  
217 where pari-mutuel wagering is conducted, a sign which bears a toll-free telephone  
218 number for Gamblers Anonymous or any other organization which provides assistance  
219 to compulsive gamblers. Nothing in this paragraph shall be deemed to preclude private  
220 local ownership or participation in any horse racetrack. Such regulations may include  
221 penalties for violations. The rules and regulations shall be promulgated pursuant to the  
222 provisions of Chapter 13 of this title, the 'Georgia Administrative Procedure Act';

223 (4) The commission shall promulgate rules and regulations and conditions under which  
224 simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility  
225 in the State of Georgia and all such other regulations it deems necessary and appropriate  
226 to effect the purposes of this chapter. Such regulations shall include provisions that all  
227 simulcast horse racing shall comply with the federal Interstate Horse Racing Act of 1978,  
228 15 U.S.C. Section 3001, et seq., and shall require the holder of an unlimited license to  
229 schedule not fewer than 60 live racing days in the State of Georgia each calendar year;  
230 provided, however, that the commission shall have the authority to alter the required  
231 number of live racing days based on what the commission deems to be in the best interest  
232 of the Georgia horse industry. Such regulations may authorize any number of satellite  
233 facilities per licensed horse racetrack at such locations as approved by the commission.

234 Except as authorized pursuant to paragraph (5) of this Code section, wagering on  
235 simulcast horse racing shall take place only at a licensed horse racetrack or a satellite  
236 facility of a licensed horse racetrack;

237 (5) The commission shall promulgate rules and regulations and conditions regulating and  
238 controlling advance deposit account wagering. Such regulations shall include, but not be  
239 limited to, standards, qualifications, and procedures for the issuance of a license to any  
240 such entity or entities pursuant to Code Section 50-39-13 to operate pari-mutuel wagering  
241 in the State of Georgia; provisions regarding access to books, records, and memoranda,  
242 and submission to investigations and audits, as authorized by paragraphs (2) and (10) of  
243 this Code section; and provisions regarding the collection of all revenues due to the State  
244 of Georgia from the placing of such wagers. No pari-mutuel wager may be made on or  
245 with any computer owned or leased by the State of Georgia or any of its political  
246 subdivisions, any public elementary or secondary school, or any public college or  
247 university. The commission shall also ensure that, except for this method of pari-mutuel  
248 wagering, all wagering on simulcast horse racing shall take place only at a licensed horse  
249 racetrack or satellite facility. Notwithstanding the provisions of Code Section 50-39-31,  
250 the allocation of revenue from advance deposit account wagering shall include a licensee  
251 fee paid to the commission; an additional fee equal to 10 percent of all wagers made  
252 within the State of Georgia placed through an advance deposit account wagering licensee,  
253 out of which shall be paid one-half to all unlimited licensees and one-half to  
254 representatives of the recognized majority horsemen groups; and an additional fee equal  
255 to 1 percent of all wagers made within the State of Georgia placed through an advance  
256 deposit account wagering licensee, which shall be paid to the Georgia Breeders Funds.  
257 Nothing in this paragraph shall be construed to limit the commission's authority set forth  
258 elsewhere in this Code section;

259 (6) The commission may issue subpoenas for the attendance of witnesses before it,  
260 administer oaths, and compel production of records or other documents and testimony of  
261 such witnesses whenever, in the judgment of the commission, it is necessary to do so for  
262 the effectual discharge of its duties;

263 (7) The commission may compel any person holding a license or permit to file with the  
264 commission such data as shall appear to the commission to be necessary for the  
265 performance of its duties, including, but not limited to, financial statements and  
266 information relative to stockholders and all others with any pecuniary interest in such  
267 person. It may prescribe the manner in which books and records of such persons shall  
268 be kept;



(8) The commission may enter into arrangements with any foreign or domestic government or governmental agency for the purposes of exchanging information or performing any other act to better ensure the proper conduct of horse racing;

(9) The commission shall report annually on or before January 1 to the Governor and the General Assembly; the report shall include a financial statement of the operation of the commission;

(10) The commission may order such audits, in addition to those required by Code Section 50-39-32, as it deems necessary and desirable;

(11) The commission shall upon the receipt of a complaint of an alleged criminal violation of this chapter immediately report the complaint to the Attorney General for appropriate action;

(12) The commission shall provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or payoff for a winning wager and shall establish the thresholds for such withholdings;

(13) The commission and its representatives and employees may, within the enclosure, stable, or other facility related to the conduct of racing, and during regular or usual business hours, subject:

(A) Any permit holder to personal inspections, including alcohol and drug testing for illegal drugs, inspections of personal property, and inspections of other property or premises under the control of such permit holder; and

(B) Any horse eligible to race at a race meeting licensed by the commission to testing for substances foreign to the natural horse within the racetrack enclosure or other place where such horse is kept.

Any item, document, or record indicative of a violation of any provision of this chapter or commission rules and regulations may be seized as evidence of such violation. All permit holders shall be deemed to consent to the searches and seizures authorized by this paragraph, including breath, blood, and urine sampling for alcohol and illegal drugs, by accepting the permit issued by the commission. The commission may revoke or suspend the permit of any person who fails or refuses to comply with this paragraph or any rules and regulations of the commission;

(14) The commission shall require the existence of a contract between the licensee and the recognized majority horseman's group providing for purses and prizes. Such contract shall be subject to the approval of the commission, which shall have the power to approve or disapprove any of its items, including, but not limited to, the provisions regarding purses and prizes; and

(15) Notwithstanding the provisions of Code Section 50-39-30, the commission may grant provisional limited licenses or provisional unlimited licenses to own or operate

racetracks or satellite facilities to an applicant prior to the applicant securing the approval through the local referendum required by Code Section 50-39-30. The provisional licenses issued by the commission shall only become effective upon the approval of the racetrack or satellite wagering facilities in a referendum conducted pursuant to Code Section 50-39-30 in the jurisdiction in which the racetrack or satellite wagering facility is to be located.

50-39-7.

(a) The commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this chapter who shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the commission to be necessary for the supervision and proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the commission.

(b) The executive secretary, in addition to any other duties prescribed by the commission, shall keep a true and full record of all proceedings of the commission and preserve at the commission's general office all books, documents, and papers of the commission. Neither the executive secretary nor the spouse or any immediate family member of the executive secretary shall make any contributions to a candidate for office or office holder at the local or state level or cause such a contribution to be made on his or her behalf.

(c) The stewards appointed by the commission shall act as racing officials to oversee the conduct of horse racing at licensed racetracks and simulcast horse racing at satellite facilities. The stewards shall enforce the commission's rules and regulations and the provisions of this chapter and shall have authority to interpret the commission's regulations and to decide all questions of racing not specifically covered by the rules and regulations of the commission. Nothing in this subsection shall limit the authority of the commission to carry out the provisions of this chapter and to exercise control of horse racing as set forth in Code Section 50-39-1, including the power to review all decisions and rulings of the stewards.

50-39-8.

(a) All moneys and revenues received by the commission under this chapter shall be placed in a special fund known as the State Racing Operations Fund. Notwithstanding any other provision of law, interest earned from moneys in the State Racing Operations Fund shall accrue to the benefit of such fund.

(b) The total costs for the operation and administration of the commission shall be funded from the State Racing Operations Fund and shall be in such amount as provided by the General Assembly in the General Appropriations Act for each fiscal year.

50-39-9.

(a) The commission shall fingerprint and require a background investigation to include a criminal history record information check of the following persons to be conducted by a representative of a law enforcement agency of the State of Georgia:

(1) Every person licensed to hold race meetings within the State of Georgia;

(2) Every person who is an officer, director, or principal stockholder of a corporation which holds such a license and every employee of the holder of any such license whose duties relate to the horse racing business in Georgia;

(3) All security personnel of any licensee;

(4) Members and employees of the commission;

(5) All permit holders, owners, trainers, jockeys, drivers, apprentices, starters, stable employees, managers, agents, blacksmiths, veterinarians, and employees of any licensee or permit holder except as may be exempted by rule or regulation of the commission; and

(6) Any person who actively participates in the racing activities of any licensee or permit holder.

(b) Notwithstanding the provisions of subsection (a) of this Code section, the commission may, by rule or regulation, establish a procedure to recognize a license or permit issued by another state in which horse racing is authorized when the commission in its discretion determines that the laws or requirements of the licensing authority for such state governing fingerprinting and background investigations are substantially the same as required under this chapter and commission rules and regulations and that the applicant has not been convicted of a misdemeanor or felony as provided in subsection (c) of Code Section 50-39-28 and may waive the requirements for fingerprints and background investigations for permit holders participating in horse racing in nonsecure areas or nonracing activities.

50-39-10.

There is created the Georgia Breeders Funds, which, together with the interest thereon, shall be administered in whole or in part by the commission or by an entity designated by the commission. There shall be a specific fund for each breed of horse for which racing is authorized in this state by the commission. The cost of administering and promoting the funds shall be deducted from the funds, and the balances shall be disbursed by the commission or designated entity to the breeders of Georgia bred horses that win races at race meetings designated by the commission, to the owners of Georgia sires of Georgia

bred horses that win races at race meetings designated by the commission, to the owners of Georgia bred horses that win or earn purse money in nonrestricted races at racetracks in Georgia licensed by the commission, to the owners of Georgia bred horses that win races at race meetings designated by the commission, and for purses for races restricted to Georgia bred or Georgia sired horses, or both, at race meetings designated by the commission. To assist it in establishing this awards and incentive program to foster the industry of breeding racehorses in Georgia, the commission may appoint an advisory committee composed of one member from each of the registered breed associations representing each breed of horse participating in the fund program and one member representing the owner and operator of each racetrack authorized in this state.

50-39-11.

Any person aggrieved by a refusal of the commission to issue any license or permit, the suspension or revocation of a license or permit, the imposition of a fine, or any other action of the commission may seek review of such action in accordance with Chapter 13 of this title.

50-39-12.

Whenever it appears to the commission that any person has violated or may violate any provision of this chapter or any regulation or final decision of the commission, it may apply to the appropriate superior court for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

50-39-13.

(a) No person shall construct, establish, or own a horse racetrack or satellite facility where pari-mutuel wagering is permitted unless he or she has obtained a racetrack owner's license or satellite facility owner's license issued by the commission in accordance with the provisions of this chapter, as appropriate.

(b) No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his or her knowledge or acquiescence unless he or she has obtained a racetrack operator's license or satellite facility operator's license issued by the commission in accordance with the provisions of this chapter, as appropriate.

(c) No person to whom a racetrack owner's license, satellite facility owner's license, racetrack operator's license, or satellite facility operator's license has been issued nor any officer, director, partner, or spouse or immediate family member thereof shall make any contribution to any candidate for public office or public office holder at the local or state level.

(d) No license issued under the provisions of this chapter shall be transferable.

50-39-14.

(a) Notwithstanding the provisions of Code Section 50-39-13 or 50-39-16 but subject to such rules and regulations and criteria as it may prescribe, the commission is authorized to issue limited licenses, provided that such licenses shall permit any holder to conduct a race meeting or meetings for a period not to exceed 14 days in any calendar year unless the commission shall authorize additional days.

(b) The commission may at any time, in its discretion, authorize any organization or association licensed under this Code section to transfer its race meeting or meetings from its own track or place for holding races to the track or place for holding races of any other organization or association licensed under this chapter upon the payment of any and all appropriate license fees. No such authority to transfer shall be granted without the express consent of the organization or association owning or leasing the track to which such transfer is made.

(c) For any such meeting, the licensee shall retain and pay from the pool the tax as provided in Code Section 50-39-31.

(d) No person to whom a limited license has been issued nor any officer, director, partner, or spouse or immediate family member thereof shall make any contribution to any candidate for public office or public office holder at the local or state level.

50-39-15.

(a) Any person desiring to construct or own a horse racetrack or satellite facility where pari-mutuel wagering is permitted shall file with the commission an application for a racetrack owner's license or satellite facility owner's license, as appropriate. Such application shall be filed at the time and place prescribed by the commission and shall be in such form and contain such information as prescribed by the commission, including, but not limited to, the following:

(1) The full name and address of such person; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do business in this state; and if a partnership or joint venture, the full name and address of each officer thereof;

(2) The full name and address of each stockholder or member of such corporation who has a 5 percent or greater ownership or security interest or each partner of such partnership or joint venture who has a 5 percent or greater ownership or security interest and of each person who has contracted for a pecuniary interest in the applicant or the enclosure where race meetings or pari-mutuel wagering will be conducted, whether such

interest is an ownership or a security interest, the nature and value of such interest, and the full name and address of each person who has agreed to lend money to the applicant;

(3) Such information as the commission deems appropriate regarding the character, background, and responsibility of the applicant and the members, partners, stockholders, officers, and directors of the applicant;

(4) The location and description of the racetrack, place, or enclosure where such person proposes to hold such meetings or wagering, including the name of any county or municipality in which any property of such race track or satellite facility is or will be located. The commission shall require such information about the enclosure and location of such track as it deems necessary and appropriate to determine whether it complies with the minimum standards provided in this chapter and whether the conduct of a race meeting or pari-mutuel wagering at such location would be in the best interest of the people of the State of Georgia;

(5) Such information relating to the financial responsibility of the applicant as the commission deems appropriate;

(6) If any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease; and

(7) Any other information which the commission in its discretion deems appropriate.

(b) Each application shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable application fee as determined by the commission.

(c) Any person who knowingly makes a false statement to the commission for the purposes of obtaining a license under this article shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$50,000.00, or both.

#### 50-39-16.

(a) The commission shall consider all applications for a racetrack owner's license and satellite facility owner's license and may grant a valid racetrack owner's or satellite facility owner's license to applicants who meet the criteria set forth in this chapter and established by the commission. The commission shall deny a license to any applicant unless it finds that the applicant's facilities are or will be appropriate for the finest quality of racing and meet or will meet the minimum standards that any track provided for standard breed racing be at least five-eighths of a mile, that any dirt track provided for flat racing be at least one mile, and that any track provided for flat or jump racing on the turf be at least seven-eighths of a mile.

(b) The commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to the applicant would not be in the best interest of the people of the State of Georgia or the horse racing industry in the State of Georgia or would reflect adversely on the honesty and integrity of the horse racing industry in the State of Georgia or that the applicant or any officer, partner, principal stockholder, or director of the applicant:

(1) Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;

(2) Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any horse racing in this or any other state or has been convicted of a felony;

(3) Has at any time knowingly failed to comply with the provisions of this chapter or of any rules or regulations of the commission;

(4) Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended, or revoked in any other state or country;

(5) Has legally defaulted in the payment of any obligation or debt due to the State of Georgia;

(6) Has constructed or caused to be constructed a racetrack or satellite facility for which a license was required under Code Section 50-39-15 without obtaining such license or has deviated substantially, without the permission of the commission, from the plans and specifications submitted to the commission; or

(7) Is not qualified to do business in Georgia or is not subject to the jurisdiction of the courts of the State of Georgia.

(c) The commission shall deny a license to any applicant unless it finds that:

(1) The applicant is adequately capitalized;

(2) If the corporation is a stock corporation, such stock is fully paid and nonassessable and has been subscribed and paid for only in cash or property to the exclusion of past services;

(3) All principal stockholders or members have submitted to the jurisdiction of the courts of the State of Georgia and all nonresident principal stockholders or members have designated the executive secretary of the commission as their agent for receipt of process; and

(4) The applicant meets the criteria established by the commission for the granting of a racetrack owner's license or satellite facility owner's license, as appropriate.

50-39-17.

(a) Notwithstanding the provisions of Code Section 50-39-30, the commission may grant a license, for a duration to be determined by the commission, to the owner or operator of a steeplechase facility for the purpose of conducting pari-mutuel wagering on steeplechase race meetings at that facility for a period not to exceed 14 days in any calendar year, provided that, prior to making application for such license, the steeplechase facility has been sanctioned by the National Steeplechase Association and the owner or operator of such facility has been granted tax-exempt status under Section 501(c)(3) or (4) of the federal Internal Revenue Code. For purposes of this Code section, 'steeplechase facility' means a turf racecourse constructed over natural ground which is utilized primarily for races where horses jump over fences or other obstacles.

(b) In deciding whether to grant any license pursuant to this Code section, the commission shall consider the results of, circumstances surrounding, and issues involved in any referendum conducted under the provisions of Code Section 50-39-30 and whether the commission has previously granted a license to such facility, owner, or operator.

50-39-18.

No racetrack owner's license or satellite facility owner's license or renewal thereof shall be granted to any corporation if the commission finds that any principal stockholder of such stock corporation or any member of such nonstock corporation:

- (1) Is or has been guilty of any illegal, corrupt, or fraudulent act, conduct, or practice in connection with horse racing in this or any other state or has knowingly failed to comply with the provisions of this chapter or commission rules and regulations;
- (2) Has had a license or permit to hold or conduct a race meeting denied for cause, suspended, or revoked in any other state or country; or
- (3) Has at any time during the previous five years knowingly failed to comply with the provisions of this chapter or any commission rules and regulations.

50-39-19.

(a) A racetrack owner's license issued under Code Section 50-39-16 shall be for the period set by the commission, not to be less than 20 years, but shall be reviewed annually. A satellite facility owner's license issued under Code Section 50-39-16 shall be for a period of five years but shall be reviewed annually. The commission shall designate on the license the duration of such license, the location of such track or satellite facility or proposed track or satellite facility, and such other information as it deems proper. The commission shall establish criteria and procedures for license renewal.



(b) The commission shall require a bond with surety or letter of credit acceptable to the commission and in an amount determined by it to be sufficient to cover any indebtedness incurred by the licensee to the State of Georgia.

50-39-20.

(a) Any person desiring to hold a race meeting or operate a satellite facility shall file with the commission an application for a racetrack operator's license or satellite facility operator's license, as appropriate. Such application may be made in conjunction with an application for a racetrack owner's license or satellite facility owner's license, if appropriate. It shall be filed at the time and place prescribed by the commission and contain such information as prescribed by the commission, including all information prescribed for an owner's license under Code Section 50-39-15 and, in addition, the date the applicant wishes to conduct a race meeting.

(b) Any application filed pursuant to this Code section shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable application fee as determined by the commission.

50-39-21.

The commission shall promptly consider any application for a racetrack operator's license or satellite facility operator's license and may grant a valid racetrack operator's license or satellite facility operator's license to applicants who meet the criteria set forth in this chapter and established by the commission. The commission shall deny a license to any applicant unless it finds that:

(1) Such applicant is a corporation organized under Title 14 or comparable law of another state and qualified to do business in Georgia;

(2) If the corporation is a stock corporation, all principal stockholders have submitted to the jurisdiction of the courts of this state and all nonresident principal stockholders have designated the executive secretary of the commission as their agent for receipt of process, provided that an application shall also contain information as required by Code Section 50-39-15;

(3) The applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder or require the resignation of any member who is or becomes unqualified for such position under Code Section 50-39-18;

(4) The applicant would be qualified for a license to own such horse racetrack or satellite facility under the provisions of Code Sections 50-39-17 and 50-39-18;

(5) The applicant has made provisions satisfactory to the commission for the detection and prosecution of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any race meeting or pari-mutuel wagering, that the applicant has made provision for membership in the Thoroughbred Racing Association or any other equivalent applicable association, and that the applicant shall utilize the services of the Thoroughbred Racing Protective Bureau or any other protective agency acceptable to the commission; and

(6) The applicant has met the criteria established by the commission for the granting of a racetrack operator's license or satellite facility operator's license, as appropriate.

#### 50-39-22.

(a) A racetrack operator's license issued under Code Section 50-39-21 shall be for a period of 20 years from the date of issuance but shall be reviewed annually. A satellite facility operator's license issued under Code Section 50-39-21 shall be for a period of five years from the date of issuance but shall be reviewed annually. The commission may, as it deems appropriate, change at the beginning of any year the dates on which the licensee is authorized to conduct a race meeting or pari-mutuel wagering. An applicant for renewal of a license may omit any information which in the opinion of the commission is already available to the commission. The commission shall establish criteria and procedures for license renewal.

(b) Any license issued under Code Section 50-39-21 shall designate on its face the type or types of horse racing or pari-mutuel wagering for which it is issued, the location of the track or satellite facility where such meeting or wagering is to be conducted, the period during which such license is in effect, and such other information as the commission deems proper.

(c) The commission shall require a bond with surety or letter of credit acceptable to the commission and in an amount determined by it to be sufficient to cover any indebtedness incurred by such licensee during the days allotted for racing.

#### 50-39-23.

The denial of an owner's or operator's license by the commission shall be final unless appealed under Code Section 50-39-11.

#### 50-39-24.

(a) After a hearing upon at least 15 days' notice, the commission may suspend or revoke any license or fine the holder thereof a sum not to exceed \$100,000.00 in any case in which the commission has reason to believe that any provision of this chapter, or any rule or

regulation or condition of the commission, has not been complied with or has been violated. The commission may revoke a license if it finds that facts not known by it at the time it considered the application indicate that such license should not have been issued.

(b) The commission may revoke any license issued under Code Section 50-39-21 for the operation of a satellite facility if the licensee, within two years of issuance of the satellite facility license, fails to conduct live racing at a racetrack licensed pursuant to Code Section 50-39-21 or fails to conduct, without the permission of the commission, the live racing days assigned to the licensee by the commission.

(c) The commission, at a meeting at which a quorum of the members is present, may summarily suspend any license for a period of not more than 90 days pending a hearing and final determination by the commission if the commission determines that emergency action is required to protect the public health, safety, and welfare, including, but not limited to, revenues due the state, its political subdivisions, and the horsemen's purse account. The commission shall schedule a hearing within 14 business days after the license is summarily suspended and notify the licensee not less than five business days before the hearing of the date, time, and place of the hearing.

(d) Deliberations of the commission shall be conducted pursuant to the provisions of Chapter 14 of this title. If any such license is suspended or revoked, the commission shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with Code Section 50-39-11. Suspension or revocation of a license by the commission for any violation shall not preclude criminal liability for such violation.

#### 50-39-25.

(a) The commission shall require any person desiring to become a partner, member, or principal stockholder of any licensee to apply to the commission for approval thereof and may demand such information of the applicant as it finds necessary. The commission shall consider such application forthwith and shall approve or deny the application within 60 days of receipt. The commission shall approve an application that meets the criteria set forth in this chapter. The commission shall deny an application if in its judgment the acquisition by the applicant would be detrimental to the public interest or to the honesty, integrity, and reputation of racing. The commission shall approve an application to acquire actual control of a licensee only if it finds that the applicant meets the criteria set forth in subsection (b) of this Code section.

(b) If an applicant proposes to acquire actual control of a licensee, such person shall, pursuant to subsection (a) of this Code section, submit to the commission its proposal for the future operation of any existing or planned racetrack or satellite facility owned or

operated by the licensee; such additional information as it desires; and such information as may be required by the commission to assure the commission that the licensee, under the actual control of such person, will have the experience, expertise, financial responsibility, and commitment to comply with the provisions of this chapter, commission rules and regulations and orders, the requirements for the continued operation of the licensee pursuant to the terms and conditions in effect on the date of the application of all licenses held by the licensee, any existing contract with a recognized majority horseman's group, and any proposal submitted to the commission by such person. The provisions of this subsection shall apply regardless of whether the control acquired is direct or indirect or whether its acquisition is accomplished individually or in concert with others.

(c) Any such acquisition of control without prior approval of the commission shall be voidable by the commission, and in such instance, the commission may revoke any license it has issued to such licensee, order compliance with this Code section, or take such other action as may be appropriate within the authority of the commission.

#### 50-39-26.

(a) No participant shall engage in any horse racing subject to the jurisdiction of the commission or in the conduct of a race meeting or pari-mutuel wagering thereon, including, but not limited to, as a horse owner, trainer, jockey, driver, exercise rider, starter, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track employee, or any other position the commission deems necessary to regulate and ensure the integrity of horse racing in Georgia unless such person possesses a permit therefor from the commission and complies with the provisions of this chapter and all commission rules and regulations. No permit issued under the provisions of this chapter shall be transferable.

(b) The commission may waive the permit requirement for any person who possesses a valid permit or license to participate in the conduct of horse racing in another racing jurisdiction and participates in horse racing in Georgia on nonconsecutive racing days.

(c) Once a horse is entered to run in Georgia, all participants shall come under the jurisdiction of the commission and its stewards and shall be subject to the rules and regulations of the commission and sanctions it or its stewards may impose.

#### 50-39-27.

(a) Any person desiring to obtain a permit as required by this chapter shall make application therefor on a form prescribed by the commission. The application shall be accompanied by a fee prescribed by the commission.

(b) Any application filed under this Code section shall be verified by the oath or affirmation of the applicant.

50-39-28.

(a) The commission shall promptly consider any application for a permit and issue or deny such permit based on the information in the application and all other information before the commission, including any investigation it deems appropriate. If an application for a permit is approved, the commission shall issue a permit, which shall contain such information as the commission deems appropriate. Such permit shall be valid for one year; provided, however, that the permit of a licensee's employee shall expire automatically when such permit holder leaves the employment of the licensee or at the end of one year, whichever occurs first. The licensee shall promptly notify the commission when a permit holder leaves the employment of the licensee. The commission shall establish criteria and procedures for permit renewal.

(b) The commission shall deny the application and refuse to issue the permit, which shall be final unless an appeal is taken under Code Section 50-39-11, if it finds that the issuance of such permit to such applicant would not be in the best interest of the people of the State of Georgia or the horse racing industry of the State of Georgia or would reflect adversely on the honesty and integrity of the horse racing industry in the State of Georgia or that the applicant:

(1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the commission;

(2) Is or has been found guilty of any corrupt or fraudulent practice or conduct in connection with horse racing in this or any other state;

(3) Has knowingly failed to comply with the provisions of this chapter or the orders or rules and regulations of the commission;

(4) Has had a permit to engage in activity related to horse racing denied for just cause, suspended, or revoked in any other state, and such denial, suspension, or revocation is still in effect; or

(5) Is unqualified to perform the duties required for the permit sought.

(c) The commission shall deny the application and refuse to issue the permit if, within the five years immediately preceding the date of the application for the permit sought, the applicant has been convicted of a crime involving the unlawful conduct of wagering, fraudulent use of a credential, unlawful transmission of information, touting, bribery, administration or possession of drugs, or any felony considered by the commission to be detrimental to horse racing in the State of Georgia; the denial shall be final unless an appeal is taken under Code Section 50-39-11. Additionally, the commission may deny the

application and refuse to issue any permit if the applicant has been convicted of any such crime committed prior to the five years immediately preceding the date of the application.  
 (d) The commission may refuse to issue the permit if for any reason it feels the granting of such permit is not consistent with the provisions of this chapter or its responsibilities thereunder.

#### 50-39-29.

(a) The commission, acting by and through its stewards or at a meeting at which a quorum is present, may suspend or revoke a permit issued under this chapter or fine the holder of such permit a sum not to exceed \$10,000.00 or suspend a permit issued by this chapter and fine the holder of such permit a sum not to exceed \$10,000.00 after a hearing for which proper notice has been given to the permittee in any case where it determines by a preponderance of the evidence that any provision of this chapter or any rule, regulation, order, or condition of the commission has not been complied with or has been violated. The commission may revoke such permit, after such hearing, if it finds that facts not known by it at the time it was considering the application indicate that such permit should not have been issued. Deliberations of the commission under this Code section shall be conducted pursuant to the provisions of Chapter 14 of this title. If any permit is suspended or revoked, the commission shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless an appeal is taken in accordance with Code Section 50-39-11. Suspension or revocation of a permit by the commission for any violation shall not preclude criminal liability for such violation.

(b) The commission, acting by and through its stewards or at a meeting at which a quorum is present, may summarily suspend the permit of a person for a period of not more than 90 days pending a hearing and final determination by the commission or its stewards if the commission or its stewards determine the protection of the integrity of horse racing requires emergency action. The commission or its stewards shall schedule a hearing within 14 business days after the permit is summarily suspended and notify the permit holder, not less than five business days before the hearing, of the date, time, and place of the hearing.

#### 50-39-30.

The commission shall not grant any initial license to construct, establish, operate, or own a racetrack or satellite facility until a referendum approving the question is held in each county or municipality in which such track or satellite facility is to be located in the following manner:

- (1)(A) A petition signed by 1 percent or 1,000, whichever is less, of the qualified electors of such county or municipality shall be filed with the election superintendent

of such county or municipality asking that a referendum be held on either or both of the following questions:

(i) Whether pari-mutuel wagering shall be permitted at a licensed racetrack in such county or municipality on live horse racing at and on simulcast horse racing transmitted from another jurisdiction to the licensed racetrack on such days as may be approved by the commission in accordance with this chapter; or

(ii) Whether pari-mutuel wagering shall be permitted in such county or municipality at satellite facilities in accordance with this chapter.

(B) Such petition shall be in the form specified by the rules and regulations of the State Election Board. Each person signing a nomination petition shall declare therein that he or she is a duly qualified and registered elector of the county or municipality and shall add to his or her signature his or her residence address, giving municipality, if any, and county, with street and number, if any, and be urged to add the person's date of birth which shall be used for verification purposes. No person shall sign the same petition more than once. The petition shall also contain at the top of each page a statement of the question or questions proposed to be submitted to the electors in accordance with this Code section. Each page shall bear on the bottom or back thereof the affidavit of the circulator of such page, which shall be subscribed and sworn to by such circulator before a notary public and shall set forth:

(i) His or her residence address, giving municipality with street and number, if any;

(ii) That each signer manually signed his or her own name with full knowledge of the contents of the petition; and

(iii) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the county or municipality qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county or municipality.

No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all pages of a petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more pages of the petition or who signed one of the pages of the petition as an elector shall be disqualified and rejected;

(2) Following the filing of such petition, the election superintendent shall verify such petition within 90 days following its submission for verification. If such petition is found to contain a sufficient number of valid signatures of the qualified electors of the jurisdiction, the election superintendent shall call and conduct a special election in accordance with Chapter 2 of Title 21 to submit the referendum question or questions to the electors of the jurisdiction. Such election shall be on the next available day under

Code Section 21-2-540 that is at least 60 days after the date on which the petition is verified but shall not be later than the next general election unless such general election is within 60 days of the date on which the petition is verified;

(3) The election superintendent of such county or municipality shall publish notice of such election in the legal organ of the county or municipality once a week for three consecutive weeks immediately prior to such election notifying the electors of the jurisdiction of the date and purpose of such special election; and

(4) Each ballot shall contain one or both of the following questions as requested in the petition:

'( ) YES     Shall pari-mutuel wagering be permitted at a licensed racetrack in [name of county or municipality] on live horse racing at and on ( ) NO     simulcast horse racing transmitted from another jurisdiction to the licensed racetrack on such days as may be approved by the Georgia Racing Commission in accordance with Chapter 39 of Title 50 of the O.C.G.A.?''

'( ) YES     Shall pari-mutuel wagering be permitted in [name of county or municipality] at satellite facilities in accordance with Chapter 39 of ( ) NO     Title 50 of the O.C.G.A.?''

All persons desiring to vote for approval of a question shall vote 'Yes,' and all persons desiring to vote for rejection of a question shall vote 'No.' If more than one-half of the votes cast on a question are for approval, then such question shall be approved and the type of pari-mutuel wagering provided for in such question may be conducted in such county or municipality. If the question or questions are not so approved or if the election is not conducted as provided in this Code section, such question or questions shall not be approved. The expense of such election shall be borne by the county or municipality. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State. No such referendum shall be held more often than every three years in the same county or municipality. A subsequent referendum shall be required if a license has not been granted by the commission within five years of the certification of the special election approving a question.

50-39-31.

(a) Any person holding an operator's license to operate a horse racetrack or satellite facility in the State of Georgia pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the orders, conditions, and rules and regulations of the commission.



(b) On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the State of Georgia involving win, place, and show wagering, the licensee shall retain an amount not to exceed 18 percent of such pool and the legitimate breakage, out of which 7 percent of the retainage shall be distributed as follows: 5 percent of the retainage to the State of Georgia as a license tax and 2 percent of the retainage to the county or municipality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection (d) of this Code section.

(c) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live horse racing conducted within the State of Georgia involving win, place, and show wagering, the licensee shall retain an amount not to exceed 18 percent of such pool and the legitimate breakage, out of which 7 percent of the retainage shall be distributed as follows: 5 percent of the retainage to the State of Georgia as a license tax, 1 percent of the retainage to the county or municipality in which the satellite facility is located, and 1 percent of the retainage to the county or municipality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection (d) of this Code section.

(d) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite facility on live horse racing conducted within the State of Georgia involving win, place, and show wagering, the licensee shall retain an amount not to exceed 18 percent of such pool and the legitimate breakage, out of which shall be paid:

(1) Forty-five percent of the retainage as purses or prizes to the participants in such race meeting;

(2) Forty-two percent of the retainage and all of the breakage and proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted to the operator;

(3) Five percent of the retainage to the Georgia Breeders Funds;

(4) One-half of 1 percent of the retainage to the University of Georgia College of Veterinary Medicine to be used solely for the promotion and growth of the equine racing and breeding industries in the State of Georgia;

(5) One-half of 1 percent of the retainage to the University of Georgia College of Agricultural and Environmental Sciences to be used solely for the promotion and growth of the equine racing and breeding industries in the State of Georgia; and

(6) The remainder of the retainage shall be paid as appropriate under subsection (b) or (c) of this Code section.

(e) On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the State of Georgia involving wagering other than win, place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of such pool and the legitimate breakage, out of which 12 percent of the retainage shall be distributed as

follows: 10 percent of the retainage to the State of Georgia as a license tax and 2 percent of the retainage to the county or municipality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection (g) of this Code section.

(f) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live horse racing conducted within the State of Georgia involving wagering other than win, place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of such pool and the legitimate breakage, out of which 12 percent of the retainage shall be distributed as follows: 10 percent of the retainage to the State of Georgia as a license tax, 1 percent of the retainage to the county or municipality in which the satellite facility is located, and 1 percent of the retainage to the county or municipality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection (g) of this Code section.

(g) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite facility on live horse racing conducted within the State of Georgia involving wagering other than win, place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of such pool and the legitimate breakage, out of which shall be paid:

(1) Forty-one percent of the retainage as purses or prizes to the participants in such race meeting;

(2) Forty-one percent of the retainage and all of the breakage and proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted to the operator;

(3) Five percent of the retainage to the Lottery for Education Account established pursuant to Code Section 50-27-13, but such funds shall be accounted for separately;

(4) One-half of 1 percent of the retainage to the University of Georgia College of Veterinary Medicine to be used solely for the promotion and growth of the equine racing and breeding industries in the State of Georgia;

(5) One-half of 1 percent of the retainage to the University of Georgia College of Agricultural and Environmental Sciences to be used solely for the promotion and growth of the equine racing and breeding industries in the State of Georgia; and

(6) The remainder of the retainage shall be paid as appropriate under subsection (e) or (f) of this Code section.

(h) On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the State of Georgia, the licensee may, with the approval of the commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the State of Georgia. All simulcast horse racing provided for in this subsection shall comply with the federal Interstate Horse Racing Act of 1978, 15 U.S.C. Section 3001, et seq.

(i) On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving win, place, and show wagering, the licensee shall retain 1 1/4 percent of such pool to be distributed as follows:

(1) Sixty percent of such retainage to the State of Georgia as a license tax; and

(2) Forty percent of such retainage to the county or municipality in the State of Georgia in which the racetrack is located.

(j) On pari-mutuel pools generated by wagering at each Georgia satellite facility on simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving win, place, and show wagering, the licensee shall retain 1 1/4 percent of such pool to be distributed as follows:

(1) Sixty percent of such retainage to the State of Georgia as a license tax; and

(2) Forty percent of such retainage to the county or municipality in which the satellite facility is located.

(k) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite facility on simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving win, place, and show wagering, the licensee shall retain 1 1/4 percent of such pool to be distributed as follows:

(1) Eighty percent of such retainage to the Georgia Breeders Funds; and

(2) Twenty percent of such retainage to the University of Georgia College of Veterinary Medicine to be used solely for the promotion and growth of the equine racing and breeding industries in the State of Georgia.

(l) On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving wagering other than win, place, and show wagering, the licensee shall retain 2 3/4 percent of such pool to be distributed as follows:

(1) Sixty percent of such retainage to the State of Georgia as a license tax; and

(2) Forty percent of such retainage to the Georgia county or municipality in which the racetrack is located.

(m) On pari-mutuel pools generated by wagering at each Georgia satellite facility on simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving wagering other than win, place, and show wagering, the licensee shall retain 2 3/4 percent of such pool to be distributed as follows:

(1) Sixty percent of such retainage to the State of Georgia as a license tax; and

(2) Forty percent of such retainage to the county or municipality in which the satellite facility is located.

(n) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite facility on simulcast horse racing transmitted from jurisdictions outside the State of

Georgia involving wagering other than win, place, and show wagering, the licensee shall retain 1 1/4 percent of such pool to be distributed as follows:

(1) Eighty percent of such retainage to the Lottery for Education Account established pursuant to Code Section 50-27-13, but such funds shall be accounted for separately;

(2) Ten percent of such retainage to the University of Georgia College of Veterinary Medicine to be used solely for the promotion and growth of the equine racing and breeding industries in the State of Georgia;

(3) Five percent of such retainage to horse rescue groups and organizations to be determined by the commission; and

(4) Five percent of such retainage to the Agricultural Commodity Commission for Equines.

(o) Moneys payable to the State of Georgia shall be deposited in the general fund. Gross receipts for license tax or other tax purposes shall not include pari-mutuel wagering pools and license taxes authorized by this Code section.

(p) All payments by the licensee to the State of Georgia or any county or municipality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Georgia Breeders Funds shall be made to the commission within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the University of Georgia College of Veterinary Medicine, the University of Georgia College of Agricultural and Environmental Sciences, the Lottery for Education Account, and the horse rescue groups and organizations selected by the commission shall be made by the first day of each quarter of the calendar year. All payments made under this Code section shall be used in support of the policy of the State of Georgia to sustain and promote the growth of a native industry.

(q) If a satellite facility is located in more than one county or municipality, any amount a licensee is required to pay under this Code section to the county or municipality in which the satellite facility is located shall be prorated in equal shares among those counties and municipalities; provided, however, that no payments shall be made to a county or counties which contain a municipality in which a satellite facility is wholly located.

(r) Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections (i) through (n) of this Code section shall be subject to the approval of the commission.

(s) The horsemen's organizations representing a majority of the horsemen racing at a licensed unlimited race meeting may, subject to the approval of the commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed 2 percent of the amount in the horsemen's account.

(t) The legitimate breakage from each pari-mutuel pool for both live racing and simulcast horse racing shall be distributed as follows:

(1) Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the commission; and

(2) Thirty percent to be deposited in a Racing Benevolence Fund, administered jointly by the licensee and the horsemen's organization representing a majority of the horsemen racing at a licensed unlimited race meeting, to be disbursed with the approval of the commission for gambling addiction and substance abuse counseling and recreational, educational, or other related programs.

50-39-32.

A regular post-audit examination shall be conducted of all accounts and transactions of the commission. An annual audit of a fiscal and compliance nature of the accounts and transactions of the commission shall be conducted by the state auditor on or before September 30 of each year. The cost of the annual audit and post-audit examinations shall be borne by the commission.

## ARTICLE 2

50-39-50.

The Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

### 'ARTICLE I - PURPOSES

#### SECTION 1. Purposes.

The purposes of this compact are to:

1. Establish uniform requirements among the party states for the licensing of participants in live racing with pari-mutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity.

2. Facilitate the growth of the pari-mutuel racing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts live racing with pari-mutuel wagering.

3. Authorize the Georgia Racing Commission to participate in this compact.

4. Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and non-governmental persons to carry out the purposes of this compact.

5. Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation and other state and local law enforcement agencies.

## ARTICLE II - DEFINITIONS

### SECTION 2. Definitions.

"Compact committee" means the organization of officials from the party states that is authorized and empowered by this compact to carry out the purposes of this compact.

"Official" means the appointed, elected, designated or otherwise duly selected representative of a racing commission or the equivalent thereof in a party state who represents that party state as a member of the compact committee.

"Participants in live racing" means participants in live racing with pari-mutuel wagering in the party states.

"Party state" means each state that has enacted this compact.

"State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and each territory or possession of the United States.

## ARTICLE III - ENTRY INTO FORCE, ELIGIBLE PARTIES AND WITHDRAWAL

### SECTION 3. Entry into force.

This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective as to any other state upon both (i) that state's enactment of this compact and (ii) the affirmative vote of a majority of the officials on the compact committee as provided in Section 8 of this compact.

### SECTION 4. States eligible to join compact.

Any state that has adopted or authorized live racing with pari-mutuel wagering shall be eligible to become party to this compact.

### SECTION 5. Withdrawal from compact and impact thereof

on force and effect of compact.

Any party state may withdraw from this compact by enacting a statute repealing this compact, but no such withdrawal shall become effective until the head of the executive branch of the withdrawing state has given notice in writing of such withdrawal to the head of the executive branch of all other party states. If as a result of withdrawals participation in this compact decreases to less than three party states, this compact no longer shall be in

force and effect unless and until there are at least three or more party states again participating in this compact.

#### ARTICLE IV - COMPACT COMMITTEE

##### SECTION 6. Compact committee established.

There is hereby created an interstate governmental entity to be known as the "compact committee," which shall be comprised of one official from the racing commission or its equivalent in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state he represents. Pursuant to the laws of his party state, each official shall have the assistance of his state's racing commission or the equivalent thereof in considering issues related to licensing of participants in live racing and in fulfilling his responsibilities as the representative from his state to the compact committee. If an official is unable to perform any duty in connection with the powers and duties of the compact committee, the racing commission or equivalent thereof from his state shall designate an alternate who shall serve in his place and represent the party state as its official on the compact committee until that racing commission or equivalent thereof determines that the original representative official is able once again to perform his duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission or equivalent thereof to the compact committee as the committee's bylaws may provide.

##### SECTION 7. Powers and duties of compact committee.

In order to carry out the purposes of this compact, the compact committee is hereby granted the power and duty to:

1. Determine which categories of participants in live horse racing, including, but not limited to, owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians, and farriers, and which categories of equivalent participants in dog racing and other forms of live racing with pari-mutuel wagering authorized in two or more of the party states, should be licensed by the committee, and establish the requirements for the initial licensure of applicants in each such category, the term of the license for each category, and the requirements for renewal of licenses in each category; provided, however, that, with regard to requests for criminal history record information on each applicant for a license, and with regard to the effect of a criminal record on the issuance or renewal of a license, the compact committee shall determine for each category of participants in live racing which licensure requirements for that category are, in its judgment, the most restrictive licensure requirements of any party state for that category and shall adopt licensure requirements for that category that are, in its judgment, comparable to those most restrictive requirements.

2. Investigate applicants for a license from the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, necessary to determine whether a license should be issued under the licensure requirements established by the committee as provided in paragraph 1 of this section. Only officials on, and employees of, the compact committee may receive and review such criminal history record information, and those officials and employees may use that information only for the purposes of this compact. No such official or employee may disclose or disseminate such information to any person or entity other than another official on or employee of the compact committee. The fingerprints of each applicant for a license from the compact committee shall be taken by the compact committee, its employees, or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or to an association of state officials regulating pari-mutuel wagering designated by the Attorney General of the United States, for submission to the Federal Bureau of Investigation for a criminal history record check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

3. Issue licenses to, and renew the licenses of, participants in live racing listed in paragraph 1 of this section who are found by the committee to have met the licensure and renewal requirements established by the committee. The compact committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that it will not be able to process his application further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and to be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established pursuant to paragraph 1 this section.

4. Enter into contracts or agreements with governmental agencies and with non-governmental persons to provide personal services for its activities and such other services as may be necessary to effectuate the purposes of this compact.

5. Create, appoint, and abolish those offices, employments, and positions, including an executive director, as it deems necessary for the purposes of this compact, prescribe their powers, duties and qualifications, hire persons to fill those offices, employments and positions, and provide for the removal, term, tenure, compensation, fringe benefits,



retirement benefits, and other conditions of employment of its officers, employees, and other positions.

6. Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation, or other entity.

7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or in other similar manner, in furtherance of the purposes of this compact.

8. Charge a fee to each applicant for an initial license or renewal of a license.

9. Receive other funds through gifts, grants and appropriations.

#### SECTION 8. Voting requirements.

A. Each official shall be entitled to one vote on the compact committee.

B. All action taken by the compact committee with regard to the addition of party states as provided in Section 3 of this compact, the licensure of participants in live racing, and the receipt and disbursement of funds shall require a majority vote of the total number of officials (or their alternates) on the committee. All other action by the compact committee shall require a majority vote of those officials (or their alternates) present and voting.

C. No action of the compact committee may be taken unless a quorum is present. A majority of the officials (or their alternates) on the compact committee shall constitute a quorum.

#### SECTION 9. Administration and management.

A. The compact committee shall elect annually from among its members a chairman, a vice-chairman, and a secretary/treasurer.

B. The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the total number of officials (or their alternates) on the committee at that time and shall have the power by the same vote to amend and rescind these bylaws. The committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the secretary of state or equivalent agency of each of the party states.

C. The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and his support staff.

D. Employees of the compact committee shall be considered governmental employees.

#### SECTION 10. Immunity from liability for performance

of official responsibilities and duties.

No official of a party state or employee of the compact committee shall be held personally liable for any good faith act or omission that occurs during the performance and within the scope of his responsibilities and duties under this compact.

ARTICLE V - RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE

SECTION 11. Rights and responsibilities of each party state.

A. By enacting this compact, each party state:

1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of compact committee licenses to participants in live racing pursuant to the committee's licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official representative on the compact committee or his alternate.

2. Agrees not to treat a notification to an applicant by the compact committee under paragraph 3 of Section 7 of this compact that the compact committee will not be able to process his application further as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.

3. Reserves the right (i) to charge a fee for the use of a compact committee license in that state, (ii) to apply its own standards in determining whether, on the facts of a particular case, a compact committee license should be suspended or revoked, (iii) to apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in live racing that the compact committee determines not to license and for individual participants in live racing who do not meet the licensure requirements of the compact committee, and (iv) to establish its own licensure standards for the licensure of non-racing employees at pari-mutuel racetracks and employees at separate satellite wagering facilities. Any party state that suspends or revokes a compact committee license shall, through its racing commission or the equivalent thereof or otherwise, promptly notify the compact committee of that suspension or revocation.

B. No party state shall be held liable for the debts or other financial obligations incurred by the compact committee.

ARTICLE VI - CONSTRUCTION AND SEVERABILITY

SECTION 12. Construction and severability.

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.'

50-39-51.

The Governor shall appoint one official to represent the State of Georgia on the compact committee for a term of four years. No official shall serve more than three consecutive terms. A vacancy shall be filled by the Governor for the unexpired term.

50-39-52.

All departments, agencies, and officers of the State of Georgia and its political subdivisions are authorized to cooperate with the compact committee in furtherance of any of its activities pursuant to the compact.

50-39-53.

Nothing in this article shall be construed to diminish or limit the powers and responsibilities of the commission established by Article 1 of this chapter or to invalidate any action of the commission previously taken, including, without limitation, any rule or regulation promulgated thereby.

### ARTICLE 3

50-39-70.

Any person not licensed in accordance with this chapter to conduct pari-mutuel wagering or horse racing on which pari-mutuel wagering is conducted who conducts pari-mutuel wagering or horse racing on which pari-mutuel wagering is conducted with his or her knowledge or consent shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

50-39-71.

(a) Any person other than the lawful holder thereof who has in his or her possession any credential, license, or permit issued by the commission or a forged or simulated credential, license, or permit of the commission and who uses such credential, license, or permit for the purpose of misrepresentation, fraud, or touting shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

(b) Any credential, license, or permit issued by the commission if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack or within a satellite facility shall be automatically revoked whether so used on or off a racetrack or satellite facility.

50-39-72.

(a) Any person who knowingly transmits information as to the progress or results of a horse race or information as to wagers, betting odds, post or off times, or jockey changes in any race by any means whatsoever for the purposes of carrying on illegal betting in violation of Part I of Article 2 of Chapter 12 of Title 16 or who knowingly transmits information to a person engaged in illegal betting shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

(b) This Code section shall not be construed to prohibit a newspaper from printing such results or information as news or any television or radio station from telecasting or broadcasting such results or information as news. This Code section shall not be construed to place in jeopardy any common carrier or its agents performing operations within the scope of a public franchise or any gambling operation authorized by law.

50-39-73.

Any person who knowingly and intentionally by false representation attempts to or does persuade, procure, or cause another person to wager on a horse in a race to be run in this state or elsewhere and upon which money is wagered in this state and who asks or demands compensation as a reward for information or purported information given in such case shall be guilty of touting and, upon conviction, shall be punished as for a misdemeanor.

50-39-74.

Any person who gives, promises, or offers to any jockey, driver, groom, or any person participating in any race meeting, including owners of racetracks and their employees, stewards, trainers, judges, starters, and special peace officers, any valuable thing with intent to influence him or her to attempt to lose or cause to be lost a horse race in which such person is taking part or expects to take part or has any duty or connection or who, being either jockey, driver, groom, or participant in a race meeting, solicits or accepts any valuable thing to influence him or her to lose or cause to be lost a horse race in which he or she is taking part or expects to take part or has any duty or connection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

50-39-75.

(a) Any person who with the intent to defraud acts to alter the outcome of a race by:

- (1) The administration of any substance foreign to the natural horse, except those substances specifically permitted by the rules and regulations of the commission; or

(2) The use of any device, electrical or otherwise, except those specifically permitted by the regulations of the commission

shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than three years or a fine not to exceed \$25,000.00, or both.

(b) Any person who with the intent to defraud influences or conspires with another to alter the outcome of a race by:

(1) The administration of any substance foreign to the natural horse, except those substances specifically permitted by the rules and regulations of the commission; or

(2) The use of any device, electrical or otherwise, except those specifically permitted by the rules and regulations of the commission

shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

(c) Any person who:

(1) Administers any substance foreign to the natural horse, except those substances specifically permitted by the rules and regulations of the commission, when the horse is entered to start; or

(2) At any time exposes any substance foreign to the natural horse with the intent of impeding or increasing the speed, endurance, health, or condition of a horse

shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

50-39-76.

The possession or transportation of any drug except those permitted by regulations of the commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards. Any person knowingly violating the provisions of this Code section relating to the legal possession of drugs shall be guilty of a misdemeanor. The provisions of Chapter 13 of Title 16 shall apply in situations where drugs regulated by such chapter are within the racing enclosure.

50-39-77.

Any person who knowingly enters or races any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Trotting Association, the American Quarter Horse Association, or any other applicable association or who knowingly instigates, engages in, or in any way furthers any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or

designation duly assigned by and registered with the Jockey Club, the United States Trotting Association, the American Quarter Horse Association, or any other applicable association shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

50-39-78.

No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this chapter unless such person is 18 years of age or older. No person shall accept any wager from a minor. No person shall be admitted into a satellite facility if such person is under 18 years of age unless accompanied by one of his or her parents or his or her legal guardian. Any person violating the provisions of this Code section shall be guilty of a misdemeanor.

50-39-79.

(a) Any person who conspires, confederates, or combines with another, either inside or outside this state, to commit a felony prohibited by this chapter shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

(b) Any person who attempts to commit any act prohibited by this article shall be guilty of a criminal offense and shall be punished as provided in Code Section 16-4-6."

## **SECTION 2.**

This Act shall become effective on January 1, 2017, provided that an amendment to the Constitution of the State of Georgia authorizing pari-mutuel wagering or betting on horse racing is passed by the General Assembly and ratified by the electors of this state in the 2016 general election. If no such amendment is proposed by the General Assembly or if such amendment is rejected by the electors or the election to ratify the proposed amendment is not held at the time of the 2016 general election, this Act shall be repealed on January 1, 2017.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.